

CHAPTER 60.

SUPREME COURT REPORTS.

Sub. S. F. 65,
66 and 52.

AN ACT to provide for the Stereotyping, Publishing and Sale of the Supreme Court Reports, and to Repeal Sections 155, 156, 157, and 160, Chapter 4, Title 3 of the Code, and to Fix the Salary of the Supreme Court Reporter.

Be it enacted by the General Assembly of the State of Iowa:

Reporter shall
prepare opinions
for publication
within 60 days
after sufficient
for a volume are
announced.

Shall furnish an
index within 20
days after proof-
sheets are
furnished.

Publishers to
furnish reporter
with revised
proofs for cor-
rection by
judges.

Number of
pages of each
volume.

To be equal to
Vol. 40.

Copyrights vest
in the state.

Contractor has
exclusive right
to publish re-
ports.

Reports to be
published under
contract with
executive coun-
cil.

SECTION 1. That within sixty days after sufficient opinions are announced to make a volume, as herein provided, the supreme court reporter shall furnish and deliver, at his office in Des Moines, Iowa, to the person, persons, or corporation, having the contract with the state for publishing the same, copies of such opinions; and with each opinion a syllabus, a brief statement of the facts involved, and the legal propositions made by counsel in the argument, with the authorities cited. But the argument shall not be reported at length; and within twenty days after the proof-sheets for a volume are furnished to him by the publishers, at his office in Des Moines, Iowa, he shall furnish to said publishers an index and table of cases to such volume. The publishers shall furnish to the reporter, without delay, as soon as they shall be issued, two copies of the revised proof-sheets of the opinions, head-notes, indexes, and table of cases of each volume, for correction and approval by the judges of the supreme court, and shall cause such corrections to be made as shall be indicated thereon by said judges. Each of said volumes shall contain not less than 750 nor more than 800 pages, exclusive of table of cases and index, and the workmanship and quality of material shall in every particular be equal to the first issue of volume forty of the Iowa supreme court reports, and shall be approved and accepted by a majority of the judges of the supreme court.

SEC. 2. The copyrights of all the supreme court reports hereafter published shall vest in the secretary of state for the benefit of the people of this state; but this shall not be construed to prevent the contractor, by whom any volume is published, his representatives or assigns, from continuing the exclusive publication and sale of such volume so long as he or they shall, in all respects, comply with the requirements of this act in respect to the character, sale and price of such volume.

SEC. 3. The supreme court reporter shall have no pecuniary interest in such reports, but the same shall be published under the contract, to be entered into by the executive council with the person, persons, or corporation, who shall agree to publish and sell the same on the terms most advantageous to the people of

this state, at a price not to exceed two dollars per volume, of the size and quality as provided for in this act. And if any such volume shall, in any way, or from any cause, contain more than eight hundred pages, no increased or additional price shall be charged therefor.

Price not to exceed two dollars per volume.

SEC. 4. The executive council shall, commencing in the first week in April, A. D. 1880, and every eight years thereafter, advertise weekly in six different newspapers in different localities in this state, for the term of six weeks, that sealed proposals will be received at the office of the secretary of state for printing, publishing, and selling the said reports for the term of eight years next after the first day of June of said year, at a certain rate per volume, to be stated in said proposal, not exceeding the maximum price fixed by this act, and in accordance with the provisions of this act.

Advertise for bids the first week in April, 1880.

Contract for eight years from 1st of June, 1880.

SEC. 5. Each bidder shall deposit with the state treasurer the sum of one thousand dollars before making his proposal, to be forfeited to the state in case he shall not make a contract according to his proposal if accepted, and according to the requirements of this act, and shall take a receipt from said treasurer, and deposit the same with his proposal, and upon entering into the contract herein provided, or upon the proposal being rejected, the said sum shall be returned.

Each bidder to deposit \$1,000 with treasurer of state.

SEC. 6. The successful bidder shall enter into a contract that he will publish the supreme court reports of the state of the quality, style, and character in all respects as set out in section one of this act; that he will publish and deliver to the secretary of state, at the capitol in Des Moines, two hundred and fifty copies free of cost for publication or delivery at the earliest practicable time, and within sixty days after the delivery of the manuscripts for any one copy of such reports to the publishers; that he will stereotype the same, and at all times keep the same on sale in the state of Iowa, to residents of this state for actual use at the contract price, in suitable quantities, in the city of Des Moines; that he will furnish the state any number of additional copies that may be required for its own use at the contract price, and procure new stereotype plates whenever the original plates shall become defaced or destroyed; and the said contract shall fully provide for the carrying into effect of all the provisions of this act, and shall be made within thirty days after he is notified of the acceptance of his proposal.

Successful bidder shall enter into contract, etc.

Deliver to secretary of state 250 copies free of cost.

Keep reports for sale, at the contract price, in the city of Des Moines.

Procure new plates.

Shall make contract within 30 days.

SEC. 7. The successful bidder shall, at the time of making his contract, execute and file with the treasurer of state a bond, in the penal sum of ten thousand dollars, conditioned to fulfill such contract in all particulars, with at least two sufficient sureties, residents of this state, to be approved by the executive council of the state. Such bond shall, by its terms, be the joint and several obligations of the persons executing it. If the successful bidder shall fail to complete his contract, or shall forfeit the same for any cause, the executive council shall re-let the contract as soon thereafter as practicable, in

Give bond in sum of \$10,000.

On failure to complete contract the executive council shall re-let.

May deposit
bonds with
treasurer of
state.

Conditions of
contract.

Not take out
copyright in
name of other
than secretary
of state.

\$2,000. penalty.

When failure of
contractor has
been determined
in action on the
bond, executive
council may
declare contract
forfeited.

Transfer stereo-
types or pay
\$2,000 for each
volume.

Salary of su-
preme court re-
porter.

\$2,000. annually
after 1st of July,
1880.

Code, §§ 155,
156, 157 and 160
repealed.

Does not affect
supreme court
reports up to
and including
volume 51.

Publication.

the manner provided in this act: *Provided, however,* that such bidder, in lieu of sureties to such bond, may deposit therewith bonds of the United States, payable to the bearer, amounting to not less than ten thousand dollars.

SEC. 8. The contract of the successful bidder required by this act shall contain, among others, the following covenants on his part:

First. That he will not take out in his own name, nor procure to be taken out in the name of any person other than the secretary of state of this state, a copyright upon any volume of the supreme court reports published under such contract; and that, upon any breach of this covenant, he will pay to the treasurer of this state the sum of two thousand dollars as liquidated damages.

Second. That in case it shall be determined in any action upon the bond of such contractor, that he has failed in any respect to comply with the provisions of this act or his contract, the executive council may declare the contract forfeited; and that, upon such forfeiture so declared, such contractor will, upon demand, transfer to the secretary of state of this state, for the use of the state, the stereotyped plates of each volume of such reports published under such contract, or in default thereof will pay to the treasurer of this state two thousand dollars for each such volume as liquidated damages for a failure to make such transfer; and such failure shall be deemed a breach of the conditions of such bond, and such liquidated damages may be recovered by action on such bond.

SEC. 9. The supreme court reporter shall receive as his compensation for all services up to the first day of July, 1880, such sums as shall be paid to him by the state under existing laws for the publication of the supreme court reports, up to and including volume fifty-one. After the first day of July, 1880, the supreme court reporter shall receive an annual salary of two thousand dollars, payable quarterly upon the certificate of the judges of said court that he has properly performed the duties of reporter, as required by this act.

SEC. 10. Sections 155, 156, 157 and 160, of chapter 4, title III, of the Code, and all acts and parts of acts conflicting with the provisions of this act, are hereby repealed: *Provided,* that the passage of this act shall not be construed to affect the publication of the supreme court reports up to and including volume fifty-one; but in all other respects the provisions of this act shall be in force from the time it takes effect as hereinafter provided.

SEC. 11. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and the Iowa State Leader, newspapers published at Des Moines, Iowa, anything in section 33 of the Code to the contrary notwithstanding.

Approved, March 18, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader*, March 23, 1880.

J. A. T. HULL, *Secretary of State.*